

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DAVID S. CHANEY
4 Chief Assistant Attorney General
5 FRANCES T. GRUNDER
6 Senior Assistant Attorney General
7 JONATHAN L. WOLFF
8 Supervising Deputy Attorney General
9 DANIELLE F. O'BANNON, State Bar No. 207095
10 Deputy Attorney General
11 455 Golden Gate Avenue, Suite 11000
12 San Francisco, CA 94102-7004
13 Telephone: (415) 703-5735
14 Fax: (415) 703-5843
15 Email: Danielle.OBannon@doj.ca.gov

9 Attorneys for Defendants David Ambriz, Darius
10 Galloway, Shawn Hatton, George Neotti, Darla Mantel
and Matthew Zornes

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICHARD J. CRANE,

Plaintiff,

D. AMBRIZ, et al.,

Defendants.

C 07-4620 JF

**DECLARATION OF N.
GRANNIS IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

21 I, N. GRANNIS, declare as follows:

22 1. I am employed by the California Department of Corrections and Rehabilitation
23 (CDCR) as the Chief of the Inmate Appeals Branch. I have been the Chief of Inmate Appeals
24 Branch for five and a half years and have been employed with CDCR for twenty-four years. As
25 the Chief of the Inmate Appeals Branch my responsibilities include overseeing staff who receive,
26 screen, log, route, and assign director level appeals that are submitted by inmates. My duties
27 also include monitoring the dispositions of these inmate appeals. I am competent to testify to the
28 matters set forth in this declaration, and if called upon to do so, would and could so testify. I

1 submit this declaration in support of Defendants' motion to dismiss.

2 2. I am familiar with sections of Title 15 of the California Code of Regulations that
3 govern an inmate appeal. Section 3084.5 describes the levels of appeal that are available to an
4 inmate. Section 3084.5(e)(2) provides that “[t]hird level review constitutes the director's
5 decision on an appeal, and shall be conducted by a designated representative of the Director
6 under supervision of the chief, inmate appeals.”

7 3. Usually, the director's decision exhausts the administrative remedy available to an
8 inmate within the CDCR. The director's decision usually advises an inmate that the decision
9 constitutes the exhaustion of administrative remedies available to the inmate within the CDCR.

10 4. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has
11 proceeded through the final level of review, the Director's Level. When an appeal is received by
12 the Inmate Appeals Branch and is accepted for review, it is given a Director's Level log number
13 and entered into the computer system. The computer system was commenced in 1993. The
14 following information is kept in the electronic record: appeal log number, the category
15 (nature/subject) of the appeal, institutional log numbers, inmate's name and CDCR number, the
16 institution where the appeal arose, the date that the appeal is received and closed, and final
17 disposition of the appeal.

18 5. A search of the computerized system has been conducted for Plaintiff Richard Crane,
19 CDCR C-44519, at the request of the Attorney General's Office. A true and correct copy of the
20 Director's Level appeals print-out for Plaintiff is attached as Exhibit A.

21 6. The record indicates that the Director's Level of Review accepted two inmates appeals
22 that were filed by Plaintiff in 2007, IAB No. 0713134 (Inmate Appeal No. 07-03411) and IAB
23 No. 0714973 (Inmate Appeal No. 07-04232). These appeals did not relate to any of the issues
24 identified in Plaintiff's Complaint.

25 7. The record also indicates that the Director's Level of Review screened out eight inmate
26 appeals submitted by Plaintiff in 2007. The inmate appeals were:

27 a. IAB No. 0706182
28 b. IAB No. 0713477

- 1 c. IAB No. 0714973
- 2 d. IAB No. 0719012
- 3 e. IAB No. 5032551
- 4 f. IAB No. 5034344
- 5 g. IAB No. 5037289
- 6 h. IAB No. 5039627

7 The only screened out inmate appeal that relates to the issues identified in Plaintiff's
8 Complaint is IAB No. 0713477 (Inmate Appeal No. 07-02012).

8. IAB No. 0713477 was screened out because the second level review provides the final
9. review for administrative level rules violation reports. A denial at the second level review can
10. not be submitted for a director's level review.

[2] I declare under penalty of perjury that the forgoing is true and correct.

13 Executed this 21 day of May 2008, at Sacramento, California.


N. GRANNIS
Chief, Inmate Appeals Branch